

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
CLERKS OFFICE  
2005 NOV 29 A 11:00  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

BEGASHAW AYELE, PRO SE

Plaintiff

Vs

COGNISA SECURITY CO. INC.

Defendant

CIV. ACTION NO. 04CV-12217BPS

PLAINTIFF'S OPPOSITION TO THE DEFENDANT'S BILL OF COST

Plaintiff for the above referenced civil action submit the following statement in opposition to the defendant's request to this court of a bill of cost against plaintiff for the following reason(s):

(1) In her Report and Recommendation that dismissed plaintiff's civil complaint, on October 17, 2005 the Magistrate Judge had ordered defense counsel to submit her .....*written motion with supporting memorandum citing legal authority for an award of cost .... within ten days of the date of this opinion in the event it continues to seek costs*", see Report & Recom. at p. 1 of footnote no.2

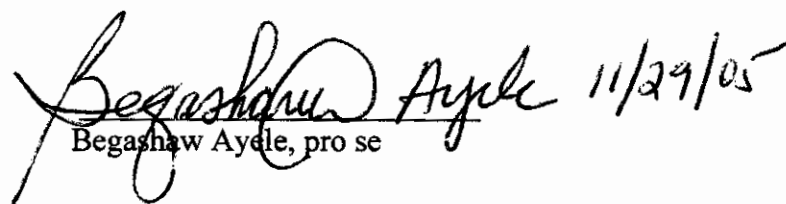
Defendant should have filed her request for cost on October 27, 2005 but choose to stay until this court adopt the Magistrate Judge's Report and Recommendation of November 21, 2005 For this reason alone, the defendant's request for cost is not proper and therefore should be denied.

(2) Secondly, the defendant's request is unreasonable since the plaintiff who was permitted

to proceed without prepayment of fee is not expected to suffer the cost that defendant had calculated as she please. More importantly there is no precedent in case law where the court order a pro se litigant who was not able to afford a docketing fee and order to pay any cost that is unthinkable to carry such financial burden.

In addition, the defendant's request for cost is so prematured as plaintiff's case is not in its final stage of completion. Plaintiff had started the appeal process and certainly will continue to the U.S Supreme court no matter how the case be negatively or adversely decided in every step of the way.

Respectfully submitted,

 11/29/05  
Begashaw Ayele, pro se

CERTIFICATE OF SERVICE

This certify that the PLAINTIFF'S OPPOSITION TO THE DEFENDANT'S BILL OF COST has been served to defense counsel by placing in the United States Mail, postage prepaid or by dropping by hand at the following addresses: Bronwyn L. Roberts, DUANE MORRIS LLP 470 Atlantic Avenue, suite 500, Boston, MA 02210

Sincerely

 11/29/05  
Begashaw Ayele